

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WILLIAM GRAY,

Case No. 2:20-cv-01839-KJD-EJY

Plaintiff

ORDER

V.

LAS VEGAS CITY JAIL,

Defendant.

I. DISCUSSION

On September 18, 2020, Plaintiff, an inmate in the custody of the City of Las Vegas Detention and Enforcement, submitted an Affidavit. (ECF No. 1-1). Plaintiff has neither filed a complaint nor an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **December 7, 2020** to submit a complaint to this Court.¹

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

¹ When filing his complaint, Plaintiff should take note that *pro se* litigants have the right to plead and conduct their own cases personally. See 28 U.S.C. § 1654. However, *pro se* litigants have no authority to represent anyone other than themselves. See *Cato v. United States*, 70 F.3d 1103, 1105 n.1 (9th Cir. 1995); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987).

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

The Court grants Plaintiff a one-time extension to file a complaint and a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **December 7, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a complaint and a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing fee on or before **December 7, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint and able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing fee.

13 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
14 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three
15 documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,
16 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full
17 filing fee of \$400 on or before **December 7, 2020** to proceed with this case.

18 II. CONCLUSION

19 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall submit a complaint
20 to this Court on or before **December 7, 2020**.

IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court shall also send Plaintiff a copy of his Affidavit. (ECF No. 1-1).

IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that on or before **December 7, 2020**, Plaintiff shall either pay
2 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
3 administrative fee) or file with the Court:

4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
5 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
6 3),
7 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
8 (i.e. page 4 of this Court's approved form), and
9 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
10 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still
11 submit an inmate account statement for the dates he has been present at the facility.

12 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete
13 application to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for
14 a civil action on or before **December 7, 2020**, the Court will dismiss this action without prejudice
15 for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file
16 a complaint and has all three documents needed to file a complete application to proceed *in forma*
17 *pauperis* or pays the full \$400 filing fee.

18 DATED this 7th day of October, 2020

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21 Elayna J. Youchah
22 UNITED STATES MAGISTRATE JUDGE
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